

MEMORANDUM OF UNDERSTANDING (MOU)
between the U.S. DEPARTMENT OF ENERGY (DOE) and
the COMMONWEALTH OF KENTUCKY

I. PURPOSE:

The U.S. Department of Energy (DOE) and the Commonwealth of Kentucky (State) enter into this agreement to facilitate coordination and cooperation between the parties under subtitle D of the Energy Employees Occupational Illness Compensation Program Act of 2000 (Act) (Pub.L.106-398).

II. AGREEMENT AND UNDERSTANDING BETWEEN DOE AND THE STATE:

DOE and the State of Kentucky enter into this agreement to facilitate operation of the DOE contractor workers assistance program, established pursuant to subtitle D of the Act, under which DOE may assist former or current contractor employees in filing claims under the State's workers' compensation system.

1. Pursuant to subtitle D, the DOE will provide assistance to DOE contractor employees in filing claims under the State of Kentucky's workers' compensation system for an illness caused by exposure to a toxic substance at a DOE facility in accordance with the process set forth at 10 CFR Part 852.
2. A positive determination pursuant to Part 852 has no effect on the scope of State workers' compensation proceedings, the conditions for compensation, or the rights and obligations of the participants in the proceedings; provided that consistent with subtitle D such a determination will prevent DOE and may prevent DOE and prevent a DOE contractor from contesting an applicant's workers' compensation claim.

III. AREAS OF COOPERATION:

1. DOE agrees to promptly notify the Commissioner of the Kentucky Department of Workers' Claims of workers' compensation claims that DOE has accepted as DOE work-related illnesses caused by exposure to toxic substances in response to a request for such information by the Commission.
2. Upon request by the DOE, the State agrees to provide, in a timely manner, information concerning the status or outcome of a workers' compensation claim filed with Kentucky's Department of Workers' Claims by a DOE contractor employee or the employee's estate.

IV. IMPLEMENTATION:

The DOE office responsible for implementation of this agreement is Office of Environment, Safety and Health. The State official responsible for the implementation of this agreement is Commissioner, Kentucky Department of Workers' Claims.

V. AMENDMENT AND TERMINATION:

This Agreement may be amended or modified upon written agreement by both parties to the Agreement. The Agreement may be terminated upon thirty (30) days written notice by either party, or immediately if for cause.

VI. EFFECTIVE DATE:

This Agreement is effective when signed by both parties.

**UNITED STATES
DEPARTMENT OF ENERGY**

By: Beverly Cook
Beverly Cook, Assistant Secretary

Date: 9/13/02

COMMONWEALTH OF KENTUCKY
By: Paul E. Patton
Paul E. Patton, Governor

Date: 9/11/02

Joe Norsworthy
Joe Norsworthy, Secretary
Labor Cabinet

Larry M. Greathouse
Larry M. Greathouse, Commissioner
Department of Workers' Claims

Reviewed for form and legality:

Rex Hunt
Rex Hunt, General Counsel
Department of Workers' Claims